HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23800 of 2006

Dated:17.11.2006

Between:

Smt.Guda Malathi.

…Petitioner

and

The Mandal Revenue Officer and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23800 of 2006

ORDER:

The petitioner's husband obtained Occupancy Rights Certificate (ORC) under Section 4(1) read with Section 10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, in respect of the land admeasuring Acs.32.05 guntas in Survey Nos.727, 731 and 734 situated at Keshampet Village and Mandal in Mahabubnagar District. Her husband died on 16.03.2000 leaving behind the petitioner and her two minor children. It appears, during the lifetime the petitioner's husband gave General Power Attorney to respondents 2 and 3. After the death of the petitioner's husband, respondents 2 and 3 allegedly managed the records and obtained mutation and change in the record of rights in their name. The petitioner therefore, made an application to the first respondent seeking the change of record of rights in her name and in the name of her children. The application was allegedly registered as B/500/2006. Alleging that no enquiry was initiated by the first respondent, the petitioner seeks a writ of mandamus directing him to pass orders on the application.

The learned Assistant Government Pleader for Revenue does not seriously dispute the right of the petitioner and her children to succeed to the property after the death of her husband. He, however,

points out that when a person acquires right to the land by survivorship he/she has to make an application in Form VI(B) read with Rule 18(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (for short 'the Rules'). Admittedly, such an application is not made by the petitioner. Therefore, even if there is some delay on the part of the first respondent, strictly speaking, the inaction cannot be faulted.

In view of the above, liberty is given to the petitioner to make an application in proper form to the first respondent within a period of one week from today. As and when such application is made, the first respondent shall issue notice under Rule 19 of the Rules, conduct enquiry, and pass appropriate orders within a period of three months from the date of receipt of the said application.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

17.11.2006
vs